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FAIRWINDS ESTATE WINERY, LLC

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

KINSALE INSURANCE COMPANY, a  
Virginia corporation,

Plaintiff,

v.

FAIRWINDS ESTATE WINERY, LLC, a  
California limited liability company,

Defendant.

Case No. 3:21-cv-05968

**REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF DEFENDANT'S MOTION  
TO DISMISS OR, IN THE  
ALTERNATIVE, STAY PROCEEDINGS**

Date: October 27, 2021  
Time: 2:00 p.m.  
Courtroom: 2  
Judge: Hon. William H. Orrick

Complaint Filed: August 2, 2021

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Defendant Fairwinds Estate Winery, LLC (“Fairwinds”) request that the Court, pursuant to Rule 201 of the Federal Rules of Evidence (“Rule 201”), take judicial notice of Exhibit A, attached to the Declaration of Felicia Draper filed concurrently herewith. Exhibit A is a copy of the Complaint filed by Fairwinds in Napa County Superior Court on September 9, 2021, *Fairwinds Estate Winery, LLC, et al., v Kinsale Ins. Co., et al.*, Case No. 21-cv-001288.

Pursuant to Rule 201, a court “must take judicial notice if a party requests it and the court is supplied with the necessary information.” Rule 201(c). Records of which a court may take judicial notice under Rule 201 include “undisputed matters of public record, including documents on file in federal or state courts.” *Harris v. County of Orange*, 682 F.3d 1126, 1132 (9th Cir. 2012) (internal citation omitted). *See also Contreras v. Davis*, 2021 U.S. Dist. LEXIS 99887, at \*3 (E.D. Cal. May 25, 2021) (“It is well established that a court can take judicial notice of its own files and records under Rule 201 of the Federal Rules of Evidence.”) (citing *Molus v. Swan*, 2009 U.S. Dist. LEXIS 4192 (S.D. Cal. Jan. 22, 2009) (courts may take judicial notice of their own records) and *Vasserman v. Henry Mayo Newhall Memorial Hosp.*, 65 F.Supp.3d 932, 943-44 (C.D. Cal. Dec. 5, 2014) (same)).

For the foregoing reasons, Fairwinds respectfully requests that the Court consider and take judicial notice of the above-specified documents.

Dated: September 9, 2021

SHARTSIS FRIESE LLP

/s/ Anthony B. Leuin

By: ANTHONY B. LEUIN

Attorneys for Defendant  
 FAIRWINDS ESTATE WINERY, LLC

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